

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:19-CR-13-FL-3

UNITED STATES OF AMERICA,)
)
)
v.)
)
DERRICK JERMAINE HARVEY,) ORDER
)
)
Defendant.)

This matter is before the court on defendant's October 5, 2020, pro se correspondence (DE 165, 166), which the court construes as motions for appointment of counsel and for order directing the Federal Bureau of Prisons ("FBOP") to transfer him to a new federal correctional institution. With respect to defendant's transfer request, the FBOP has exclusive authority to determine defendant's place of imprisonment, and the FBOP's placement decisions are "not reviewable by any court." See 18 U.S.C. § 3621(b). Accordingly, the court lacks authority to order defendant's transfer to a new facility. Defendant's request for placement in a new correctional facility must be directed to FBOP administrators.

With respect to defendant's motion for appointment of counsel, there is no constitutional right to post-conviction counsel. See Pennsylvania v. Finley, 481 U.S. 551, 555 (1987); United States v. Williamson, 706 F.3d 405, 416 (4th Cir. 2013). While the court has discretion to appoint counsel in certain post-conviction proceedings if the interests of justice so require, defendant fails to establish good cause for appointment of counsel.

Defendant also seeks information concerning his "jail credits" and whether he can apply for compassionate release. Defendant should discuss these issues in the first instance with FBOP administrators. Moreover, the court cannot give defendant legal advice regarding the procedures

for applying for compassionate release or seeking review of the FBOP's calculation of his prior custody credit.

Based on the foregoing, defendant's motion to appoint counsel (DE 166) is DENIED, and defendant's motion for order directing the FBOP to transfer him to a new facility (DE 165) is DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this the 10th day of November, 2020.


LOUISE W. FLANAGAN
United States District Judge